IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 11515 of 2003

Between:

M/s. Swati Trading company rep by Proprietor
N. ramachandra Rao at 2-2-154,
Chandhi Chowk, Khammam District **.....**
PETITIONER

AND

1. State Bank of Hyderbad rep by Branch Manager, Gandhi Chowk Branch at
Khammam Khammam District.
2. Union of India, rep. By its Secretary, Finance Department, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably Writ of Mandamus declaring the impugned notice issued by the respondent-1 on 20-3-2003 including the provisions under section 13 of the securitisation and reconstruction Financial Assets and Enforcements of Interest Act, 2002 as illegal arbitrary violative of Principles of natural justice unconstitutional and violative of basic principle of rule of law and violative of Article 14 of the Constitution of India and ultravires and consequently to the set a side the impugned notice and struck down the provision of Section 13 of the Said Act.

W.P.M.P.NO. 14355 OF 2003

Petition under Section 151 CPC to stay all further proceedings in pursuance of the impugned notice dated 20-3-2003 issued by the respondent, pending disposal of the W.P. 11515 of 2003.

For the Petitioner: MR.KOWTURU VINAYA KUMAR Advocate

For the Respondent No.1 : Mr. Addepalli Suryanarayana, Advocate.

For the Respondent No.2:Mr. A.rajasekhar Reddy, SC for Central Govt.

The Court Made the Following :
ORAL ORDER (Per Hon'ble The Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed. W.P.M.P. also stands dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

23rd day of June, 2004
pnb

To

1. **The Branch Manager, State Bank of Hyderabad, Gandhi Chowk branch at Khammam, Khammam District.**
2. **The Secretary, Finance Department, Govt. of India, New Delhi**
3. **Two C.D. copies.**